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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: NEINER, Christopher G.

Serial Number: 10/752,928

Filed: January 7, 2004

For: CAN LID CLOSURE AND METHOD OF
JOINING A CAN LID CLOSURE TO A
BODY

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§
§
§

Group Art Unit: 3727

Examiner: Stephen J. Castellano

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

CERTIFICATE OF MAILING	
I hereby certify that the original paper identified herein is being deposited with United States Postal Service as first class mail, postage prepaid, to Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.	
on:	September 13, 2006
	<i>Karen Roper</i>
	Karen Roper

RESPONSE

Dear Sir:

In response to the Office Action dated July 20, 2006, Applicant responds as follows:

09/19/2006 EHAILE1 00000002 502180 10752928

01 FC:1201 400.00 DA
02 FC:1202 50.00 DA

Adjustment date: 11/08/2006 SDENB0B1
09/19/2006 EHAILE1 00000002 502180 10752928
02 FC:1202 50.00 CR

Document code: WFEE

United States Patent and Trademark Office
Sales Receipt for Accounting Date: 09/22/2006

RSMITH SALE #00000001 Mailroom Dt: 09/18/2006 502180 10752928
01 FC:1201 200.00 DA
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Adjustment date: 11/08/2006 SDENBOB1
09/22/2006 RSMITH 00000001 502180 10752928
01 FC:1201 200.00 CR
02 FC:1202 200.00 CR

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Facsimile Information Sheet

DATE/TIME: October 27, 2006

FROM: John J. Patti, Esq.

(214-347-4710 direct)

TO:

RECIPIENT	COMPANY	FAX NUMBER
Commissioner for Patents	USPTO	571-273-8300

OUR REF NO: MCC 01061 C2US
(S.N. 10/752,928)

TOTAL NUMBER OF PAGES (including this sheet): 7

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OF COUNSEL
JOHN G. FISCHER
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(214) 347-4708
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MARKPERDUE@ALLIPLAW.COM

October 27, 2006

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Via Facsimile 571-273-8500

Re: Request for Refund in Deposit Account No. 50-2180
U.S. Serial No. 10/752,928
For: CAN LID CLOSURE AND METHOD OF JOINING A CAN LID CLOSURE
TO A CAN BODY
Our Ref. No.: MCC 01061 C2US

Dear Sir:

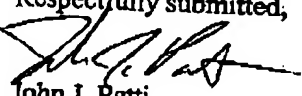
It has come to my attention that 4 charges were made to Deposit Account 50-2180 of Storm LLP on September 19 and 22, 2006 for the matter referenced above as shown on the Statement copy attached. We do not believe all these charges are correct.

1) We accept the charge for \$200.00 under Fee Code 1202 on September 22, 2006, for the most recent filing of an RCE. A check was sent with this filing which only covered the RCE filing fee. We concur that a fee for 4 additional claims (in excess of 20) was owed in the amount of \$200.00.

2) We do not accept the charges in the amounts of \$400.00 (1201) and \$50.00 (1202) on September 19; and \$200.00 (1201) on September 22. The highest number of independent claims paid for is 4 and the RCE filing has 4 independent claims. Therefore, no additional fee is required for independent claims.

Fee Determination and Calculation worksheets are attached for your reference. Therefore, it is requested that the Commissioner authorize a refund in the amounts noted in paragraph 2) above, totaling \$650.00, immediately be made to Deposit Account No. 50-2180.

Respectfully submitted,


John J. Patti

JJP/kr
Atts.



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FINA

Account No.	502180
Date	9-29-06
Page	1

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DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
MO.	DAY	YR.						
9	19	06	2	10752928	No — MCC 01061 C2US	1201	(Inv-2) 400.00	2565.00
9	19	06	3	10752928	No — MCC 01061 C2US	1202	① 50.00	2515.00
9	22	06	1	10752928	No — MCC 01061 C2US	1201	(Inv-1) 200.00	2315.00
9	22	06	2	10752928	OK — MCC 01061 C2US	1202	① 200.00	2115.00
<div>STORM LLP RECEIVED OCT 23 2006 BY _____</div>								
AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED					OPENING BALANCE	TOTAL CHARGES	TOTAL CREDITS	CLOSING BALANCE
PAGE 3/7 * RCVD AT 10/27/2006 4:56:24 PM (Eastern Daylight Time) * SVR:USPTO-EFXXRF-5/4 * DNIS:2738300 * CSID: * DURATION (mm-ss):02:38								2115.00

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PATENT APPLICATION FEE DETERMINATION RECORD					Application or Docket Number 10/752928	
Substitute for Form PTO-875						
APPLICATION AS FILED - PART I						
(Column 1)		(Column 2)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY
FOR	NUMBER FILED	NUMBER EXTRA		RATE (\$)	FEE (\$)	
BASIC FEE (37 CFR 1.18(b), (b), or (c))	N/A	N/A		N/A		
SEARCH FEE (37 CFR 1.18(d), (d), or (e))	N/A	N/A		N/A		
EXAMINATION FEE (37 CFR 1.18(f), (f), or (g))	N/A	N/A		N/A		
TOTAL CLAIMS (37 CFR 1.18(h))	26 minus 20 =	6		X =		X =
INDEPENDENT CLAIMS (37 CFR 1.18(h))	4 minus 3 =	1		X =		X =
APPLICATION SIZE FEE (37 CFR 1.18(i))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).					
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.18(j))				N/A		N/A
* If the difference in column 1 is less than zero, enter "0" in column 2.				TOTAL		TOTAL pd
APPLICATION AS AMENDED - PART II 5/25/05						
(Column 1)		(Column 2)	(Column 3)	SMALL ENTITY		OR OTHER THAN SMALL ENTITY
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	
Total (37 CFR 1.16(i))	20 Minus	26	= 0	X =		X =
Independent (37 CFR 1.16(i))	1 Minus	4	= 0	X =		X =
Application Size Fee (37 CFR 1.16(s))						
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.18(j))				N/A		N/A
				TOTAL ADD'L FEE		TOTAL ADD'L FEE N/A
(Column 1)		(Column 2)	(Column 3)	SMALL ENTITY		OR OTHER THAN SMALL ENTITY
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	
Total (37 CFR 1.16(i))	32 Minus	26	= 6	X =		X =
Independent (37 CFR 1.16(i))	3 Minus	4	= 0	X =		X =
Application Size Fee (37 CFR 1.16(s))						
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.18(j))				N/A		N/A
				TOTAL ADD'L FEE		TOTAL ADD'L FEE pd

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to be (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT APPLICATION FEE DETERMINATION RECORD
Substitute for Form PTO-875

Application or Docket Number
10/752 928

APPLICATION AS FILED - PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
			RATE (\$)	FEE (\$)		RATE (\$)	FEE (\$)
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	
SEARCH FEE (37 CFR 1.16(h), (i), or (m))	N/A	N/A	N/A			N/A	
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	
TOTAL CLAIMS (37 CFR 1.160))	minus 20 =	*	X	=		X	=
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X	=		X	=
APPLICATION SIZE FEE (37 CFR 1.18(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 416(1)(G) and 37 CFR 1.18(s).						
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.160))			N/A			N/A	
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	

APPLICATION AS AMENDED - PART II *9/13/06 and RLE*

AMENDMENT A/C	(Column 1) CLAIMS REMAINING AFTER AMENDMENT	(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
				RATE (\$)	ADDITIONAL FEE (\$)		RATE (\$)	ADDITIONAL FEE (\$)
Total (37 CFR 1.18(s))	36	Minus 32 =	4	X	=		X 50 =	200
Independent (37 CFR 1.160))	4	Minus 4 =	0	X	=		X	=
Application Size Fee (37 CFR 1.18(s))				N/A			N/A	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.160))				TOTAL ADD'L FEE			TOTAL ADD'L FEE	200

AMENDMENT B	(Column 1) CLAIMS REMAINING AFTER AMENDMENT	(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
				RATE (\$)	ADDITIONAL FEE (\$)		RATE (\$)	ADDITIONAL FEE (\$)
Total (37 CFR 1.18(s))		Minus		X	=		X	=
Independent (37 CFR 1.160))		Minus		X	=		X	=
Application Size Fee (37 CFR 1.18(s))				N/A			N/A	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.160))				TOTAL ADD'L FEE			TOTAL ADD'L FEE	

- * If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
- ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
- *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

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MULTIPLE DEPENDENT CLAIM FEE CALCULATION SHEET Substitute for Form PTO-1360 (For use with Form PTO/SB/08)							Application Number 10/252928		Filing Date 1/07/2004		
							Applicant(s) NEINER				
							May be used for additional claims or amendments				
CLAIMS	AS FILED		AFTER FIRST AMENDMENT		AFTER SECOND AMENDMENT						
	Indep	Depend	Indep	Depend	Indep	Depend	Indep	Depend	Indep	Depend	
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Total Indep	4		1		3						
Total Depend	22		19		29						
Total Claims	26		20		32						

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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MULTIPLE DEPENDENT CLAIM FEE CALCULATION SHEET Substitute for Form PTO-1380 (For use with Form PTO/SBA05)							Application Number 10/252,928		Filing Date 1/07/2004	
Applicant(s) NEINER							* May be used for additional claims or amendments			
CLAIMS	35 USC 101 RCE		AFTER FIRST AMENDMENT		AFTER SECOND AMENDMENT					
	Indep	Depend	Indep	Depend	Indep	Depend	Indep	Depend	Indep	Depend
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Total Indep	4									
Total Depend	32									
Total Claims	36									

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